CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

JANUARY 6, 2009

INVOCATION:
Pastor Carl Nielsen of Bethel Lutheran Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Cordero, Orach, Patino, Zacarias, and Mayor Lavagnino

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Public Works/City Engineer Whitehead, Acting Director of Community Development Woods, Police Chief Macagni, Fire Chief Ortiz, Director of Utilities Sweet, Director of Administrative Services Snodgrass, Director of Recreation and Parks Posada, and Chief Deputy City Clerk Perez.

RESOLUTION HONORING CYNTHIA VALDEZ
Councilmember Cordero read Resolution No. 2009-01 honoring and commending Cynthia Valdez, Police Services Technician, for 23 years of outstanding service and congratulating her on her retirement.

Resolution No. 2009-01 was adopted on motion by Councilmember Orach, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-01 adopted. A RESOLUTION COMMENDING POLICE SERVICES TECHNICIAN CYNTHIA VALDEZ FOR HER 23 YEARS OF OUTSTANDING SERVICE TO THE CITY OF SANTA MARIA AND CONGRATULATING HER ON HER RETIREMENT.

Cynthia Valdez stated she was a very happy City employee for nearly 24 years. She thanked the Mayor and City Council for all they have done for employees.

RESOLUTION HONORING MICHAEL CORDERO
Councilmember Zacarías read Resolution No. 2009-02 honoring and commending Michael Cordero, Police Lieutenant, for 36 years of outstanding service and congratulating him on his retirement.

Resolution No. 2009-02 was adopted on motion by Councilmember Zacarías, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: Councilmember Cordero

Resolution No. 2009-02 adopted. A RESOLUTION COMMENDING POLICE LIEUTENANT MICHAEL CORDERO FOR HIS 36 YEARS OF OUTSTANDING SERVICE TO THE CITY OF SANTA MARIA AND CONGRATULATING HIM ON HIS RETIREMENT.

Councilmember Cordero stated his 36 years on the Police Department were great. It was a part of his life he would never forget. He couldn't thank the community, the City, and all the Councilmembers over the years enough. He couldn't be happier about having been a member of the community and the Police Department.

PUBLIC COMMENT
There were none.

CONSENT CALENDAR
Mayor Lavagnino requested Items 3G, Highway Commercial Zone Ordinance, and 3H, ABC License for Wal-Mart, be pulled for discussion.

Item 3G – Ordinance No. 2008-29, Highway Commercial Zone
Gordon Gill stated he wanted to bring to the Council's attention an item that did not have any public input. It was a requirement for a 20-foot landscape setback for properties along the freeway. Generally they would support a landscape buffer along the freeway; however, there were a few situations where buildings could not be developed along the freeway if that provision was required. There was a provision in the proposed ordinance that requires a Planned Development Permit for any development in the Highway Commercial zone. The Planned Development process gave the Planning Commission the ability to review all of the requirements and adapt requirements that might need to be changed for certain developments. He supported that provision. He referenced the new building at East Main Street and the freeway. If the 20-foot setback had been a requirement, that building would not have been built.
Acting Director of Community Development Woods informed the Council that the Planning Commission did have the authority to amend the setback and landscaping requirements through the Planned Development process.

Item 3H – ABC License for Wal-Mart
Lisa Kolieb, Manatt, Phelps & Phillips Law Firm, spoke in favor of the Wal-Mart ABC License. She stated it would help the local economy. It would increase Santa Maria sales tax revenue. It would help Santa Maria businesses and citizens save time and money and would give customers a safe place to shop. It would bring a responsible vendor of alcohol to the City. It would not result in a true over concentration of licenses in the City. Wal-Mart's record of safety, security, and responsible alcohol sales, combined with reasonable prices and a convenient one-stop shopping experience, would enhance the surrounding area and provide an enormous benefit to the City of Santa Maria.

Art Foster spoke against the license. He said it would not be a benefit to the City. From his business to City Hall, he passed seven establishments selling alcohol. Wal-Mart was too close to the freeway, and it would be too easy for people to buy beer and wine and head to the freeway. The Police Department had been conducting check points to catch drunk drivers, and this would be sending a mixed message. He said he was speaking for many people in the community. Wal-Mart was a family store with a lot of children and a McDonald's restaurant. It was not the place for selling beer and wine.

Ed Zoost also spoke against the license. He stated he lived on McCoy near KCOY on Blosser. There were a lot of alcoholics in that area. There were so many stores in town that sell alcoholic beverages. It would be contributing to DUI's on Highway 101.

Councilmember Zacarías stated her comments were directed at the families who shop at Wal-Mart. The City did not need to have another place that sells beer and wine, especially not Wal-Mart. Wal-Mart was a family-friendly store. She would prefer there be no alcohol sales in that area. Her responsible decision would be to vote no on the application. She wanted to honor and respect the families who shop there. Wal-Mart has had a lot of thefts. If the City was trying to create a safer environment for the

residents, having beer and wine at Wal-Mart would only be more incentive for people who were likely to steal. For her it was about maintaining the integrity of the Wal-Mart environment and supporting healthy places for families.

Mayor Lavagnino stated he felt the Council had to be consistent and fair to the businesses that came before the Council. The Council did not have any problem approving the sale of beer and wine for Trader Joe's. He didn't see any difference between Trader Joe's and Wal-Mart. He was going to support the request to be consistent.

Councilmember Patino stated the fact that Wal-Mart would not sell chilled alcoholic beverages would keep people from drinking and getting on the freeway. She did not like the over concentration of alcohol because there was a great problem in the community with alcohol and drugs. She realized that it was legal to buy alcohol, and people make poor choices when they drink and drive. She did not like to see alcohol served or sold near schools or apartments where children lived. It was a conflict for her because there were too many places in Santa Maria that sell alcohol.

Councilmember Cordero stated the sale of alcohol was not against the law. The Police Department did a complete investigation, and their report did not indicate there would be any problems. Children were mentioned; however, children have to learn to act responsibly. If the adults were acting responsibly when purchasing alcohol, the children would see that and learn to do things the right way. He did not think it was fair that just because a child was involved and witnessed the sale of alcohol, there would be a problem. The alcohol would be displayed in a small area in the center of the store which would make it hard for people to steal the alcohol. He did not have a problem with the off-sale license.

Councilmember Orach stated Wal-Mart would not have the coolers to chill the beer and wine. Target was a family-oriented store as well, and they sold beer and wine. He would support the license.

Mayor Lavagnino recommended voting on Item 3H separate from the remainder of the Consent Agenda.

Consent Calendar Items A through J, except H, were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Item 3H, Alcoholic Beverage Control License for Wal-Mart, was approved on motion by Councilmember Orach, seconded by Mayor Lavagnino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, and Mayor Lavagnino
NOES: Councilmember Zacarías
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of December 16, 2008, were approved as submitted.

C. RELEASE OF BOND
Council accepted as complete certain public improvements and authorized the release of a Faithful Performance Bond in the amount of $16,615.50 for the installation of 165 street and easement trees, including the cost of maintenance for one year, in connection with La Ventana, Tract 5886.

D. WAGE AND BENEFIT PACKAGE
Resolution No. 2009-03 was adopted approving a wage and benefit package for Non-represented Management and Confidential Employees.

Resolution No. 2009-03 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A WAGE AND BENEFIT PACKAGE FOR THE NON-REPRESENTED FULL-TIME MANAGEMENT AND CONFIDENTIAL EMPLOYEES.

E. WARRANTS
Warrant Nos. 147254 to 147807 totaling $4,433,028.51 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 139610, 140622, 144637, 145544, 146852, 147118, 147433, 147588, and 147589 were cancelled.

F. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

G. ORDINANCE NO. 2008-29
Council conducted the second reading by title only of Ordinance No. 2008-29 establishing the Highway Commercial (HC) District as Chapter 12-13A of the Santa Maria Municipal Code, and adopted the ordinance.

Ordinance No. 2008-29 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADDING CHAPTER 12-13A TO THE SANTA MARIA MUNICIPAL CODE, RELATING TO HIGHWAY COMMERCIAL ZONING DISTRICT.

H. ABC LICENSE
Council made a determination that public convenience would be served in the matter of the issuance of a Type 20 (off-sale beer and wine) Alcoholic Beverage Control (ABC) License for the sale of packaged beer and wine at Wal-Mart, 2220 S. Bradley Road.

I. NO STOPPING ZONES
Resolution No. 2009-04 was adopted establishing no stopping zones on West Main Street near Thornburg Street.

Resolution No. 2009-04. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING NO STOPPING ZONES ON WEST MAIN STREET PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

J. BACKGROUND INFORMATION
Resolution No. 2009-05 was adopted authorizing the Public Works Department to review background information on School Crossing Guards.

Resolution No. 2009-05 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO REVIEW BACKGROUND INFORMATION ON SCHOOL CROSSING GUARDS.

APPOINTMENTS TO VARIOUS COMMITTEES AND BOARDS.
Councilmember Cordero stated the process of interviewing the applicants had been a very educational and enlightening process for him. He learned a great deal about members of the community. The City was very lucky to have the caliber of people in the community who applied for these positions. He wished the Council could appoint them all.

Chief Deputy City Clerk Perez gave the staff report. The City Council is asked to consider making appointments to several City Advisory Bodies. The term of office for five members of the All-America City Committee is expiring. Recommendations for appointments may be made by each Councilmember. Applications were received from three of the five incumbents and two other applications were also received. There are currently two terms on the Code Compliance Board due to expire. Nominations will be made by Councilmembers Cordero and Orach. Applications were received from two incumbents as well as from two other individuals. However, following the close of the filing period, it was discovered that the expiration date of the Mayor's appointment to the Board was incorrect and should also be expiring this month. Therefore, staff recommends the deadline for the Mayor's appointment be extended. The Landmark Committee currently has two vacancies. Only one application was received from the incumbent. Staff recommends the City Council appoint one member to the Committee and direct staff to readvertise the second vacancy. The terms of three members of the Planning Commission and three members of the Recreation and Parks Commission are also expiring. These terms of office are coterminous with the appointing Councilmembers. Nominations will be made by Mayor Lavagnino and Councilmembers Cordero and Orach. Applications for the Planning Commission were received from the three incumbents and one other application was received as well. Applications for the Recreation and Parks Commission were received from the three incumbents and four additional applications were received. However, on Monday, January 5th, incumbent Sister Janet Corcoran requested her application be withdrawn from consideration. Finally, the term of one member to the Santa Maria Community Television Board of Directors is expiring. One application was received from the incumbent.

Mayor Lavagnino suggested nominations and votes for the Advisory Bodies be taken individually.

<u>All-America City Committee</u>

The following nominations were made:

Sylvia Grayham (Low/Mod Income)	nominated by Councilmember Cordero
Robert Huber (incumbent-Ethnic)	nominated by Councilmember Patino
Samuel Marin (incumbent-Youth)	nominated by Councilmember Zacarias
Laura Mohajer (incumbent-Ethnic)	nominated by Mayor Lavagnino

Councilmember Orach indicated that his nominee, incumbent Willie Green, had been unable to submit his application by the filing deadline; however, Mr. Green was still interested in serving on the Committee. He requested his nomination be postponed and the filing deadline be extended.

On motion by Mayor Lavagnino, seconded by Councilmember Orach, and carried unanimously, the nominations for the All-America City Committee were approved for a regular term of two years, and the deadline for the remaining vacancy was extended.

<u>Code Compliance Board</u>

The following nominations were made:

Nancy Stewart (incumbent)	nominated by Councilmember Cordero
Larry Tanner	nominated by Councilmember Orach

On motion by Mayor Lavagnino, seconded by Councilmember Cordero, and carried unanimously, the nominations for the Code Compliance Board were approved for a regular term of two years, and the deadline for the remaining vacancy was extended.

Landmark Committee

On motion by Mayor Lavagnino, seconded by Councilmember Zacarías, and carried unanimously, Marjorie Martin was reappointed to the Landmark Committee for a regular term of three years, and staff was directed to readvertise the remaining vacancy.

Planning Commission

The following nominations were made:

Rodger Brown (incumbent)	nominated by Mayor Lavagnino
Tom Lopez (incumbent)	nominated by Councilmember Cordero
Michael Moats (incumbent)	nominated by Councilmember Orach

On motion by Mayor Lavagnino, seconded by Councilmember Orach, and carried unanimously, the nominations for the Planning Commission were approved for a regular term of four years.

Recreation and Parks Commission

The following nominations were made:

Bruno Brunello (incumbent)	nominated by Mayor Lavagnino
Kenneth George	nominated by Councilmember Cordero
Kirk Spry (incumbent)	nominated by Councilmember Orach

On motion by Mayor Lavagnino, seconded by Councilmember Patino, and carried unanimously, the nominations for the Recreation and Parks Commission were approved for a regular term of four years.

Santa Maria Community Television Board

On motion by Mayor Lavagnino, seconded by Councilmember Patino, and carried unanimously, Mark van de Kamp was reappointed to the Santa Maria Community Television Board of Directors for a regular term of two years.

APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS AND COMMITTEES WHICH REQUIRE CITY COUNCIL REPRESENTATION.

City Manager Ness gave the staff report. There are six boards, commissions or committees for which City Council members sit as representatives of the City of Santa Maria. Staff has conferred with Mayor Lavagnino about Councilmember assignments.

Mayor Lavagnino made the following nominations:

Santa Barbara County Association of Governments	Mayor Lavagnino/Cordero
Santa Barbara County Air Pollution Control District	Mayor Lavagnino
Central Coast Water Authority	Mayor Lavagnino
Multi-jurisdictional Solid Waste Task Group	Councilmember Patino/Cordero
Investment Oversight Committee	Councilmember Orach
County Housing Advisory Committee	Councilmember Patino/Zacarias

On motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

all nominations were approved.

Councilmember Zacarias asked the Councilmembers to report back after these meetings to keep the other members of the Council informed.

AMENDMENT TO CALPERS CONTRACT AND WAGE AND BENEFIT PACKAGE

Assistant City Manager Haydon gave the staff report. The Council is requested to adopt a Resolution of Intention approving an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System and the City Council for Section 21362.2, 3% at 50 full formula, for local fire members, introduce an ordinance authorizing the contract amendment, and adopt a resolution approving a wage and benefit package for the Public Safety Managers. In early 2008, the City concluded negotiations with the Santa Maria Fire Fighters Union, Local 2020. As part of the ratified agreement approved by the City Council, the City agreed to amend its contract with CalPERS to provide the 3% at 50 retirement benefit. This benefit is similar to the enhanced retirement benefit the City Council provided to the sworn police officers in 2000. Additionally, staff is requesting the Council approve a wage and benefit package for Public Safety Managers which includes police and fire managers. This year, the only substantive changes in the package are a 2.86 percent salary increase for police managers, an adjustment to the salary survey procedure to more accurately reflect the cost of the EPMC benefit, and a cost-neutral amendment to the vacation cash-out provision. Fire managers will forego any salary increase in order to receive the 3% at 50 retirement benefit. The future annual cost of the proposed retirement enhancement is estimated to be approximately $168,300 in today's dollars. Aside from the CalPERS retirement enhancement, the direct fiscal impact of the wage and benefit package for the Public Safety Managers for the remainder of this fiscal year is roughly $18,300 which will be financed through general fund reserves. As required by law, CalPERS Actuary Bill Karch is present to answer any questions

Councilmember Cordero asked about the adjustment of the vacation cash-out that was referenced in the staff report.

Assistant City Manager Haydon explained that the change was to allow Police Managers an additional 20 hours of vacation time to be cashed out. Staff saw that as a cost neutral item. The ability to cash out more vacation time would equate to more time spent on the job.

Councilmember Cordero asked if the Police Managers salary increase would be tied to any salary increase that the Police Officers Association received.

Assistant City Manager Haydon explained that they were two different bargaining groups and were not tied together.

Resolution No. 2009-06 stating the Council's intent to amend the CalPERS contract was adopted on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-06 adopted. A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF SANTA MARIA.

Ordinance No. 2009-01 amending the contract with CalPERS for the 3% at 50 Full Formula for local fire members was introduced by title only for first reading and continued to the regular meeting of February 3, 2009, for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2009-01 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SANTA MARIA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

Resolution No. 2009-07 approving a wage and benefit package for Public Safety Managers was adopted on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-07 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A WAGE AND BENEFIT PACKAGE FOR THE PUBLIC SAFETY MANAGERS.

CITY MANAGER'S REPORT
City Manager Ness reported on anticipated items for the January 20, 2009, City Council meeting including two more retirement resolutions for Fire Department employees, public hearings for the Downtown Specific Plan Implementation Plan, tobacco use in City parks, and a proposed moratorium on flower vendors, as well as Regular Business items consisting of annual technical amendments to the Municipal Code and a proposed Voluntary Time-Off program.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Orach wished everyone a Happy New Year and announced that he would be a grandfather in 2009.

Councilmember Zacarías reported that she presented to the Department of Motor Vehicles the proclamation that the Council approved at the last meeting recognizing them for the organ donor program. She visited the Center for Employment Training and spoke to people about what a Councilmember did. On December 19th, she attended the All-City Open House and the swearing in ceremony for several Police Department promotions. She would be working with the Volunteer Tax Assistance program for the 2009 tax season. Anyone interested in volunteering could attend classes starting Saturday morning at Hancock College.

Councilmember Patino wished everyone a Happy New Year and said she had spent a lot of time with family over the holidays.

Councilmember Cordero reported he attended the retirement dinner for Community Development Director Kirk Lindsey. He attended the Rose Bowl Parade in Pasadena, the enrobing of Judge Kay Kuns, the swearing in for the Police Department promotions, and spent a lot of time interviewing applicants for the City's Advisory Bodies.

Mayor Lavagnino indicated he had a great holiday with his family. He announced that on Saturday, January 10th, Curtis Tunnell, Jr. would be speaking at Shepard Hall in the Library on the history of Santa Maria.

CLOSED SESSION:
Council recessed to a Closed Session at 7:45 p.m. for Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code: Agency Representative: Assistant City Manager, Employee Organization: Santa Maria Police Officers Association (SMPOA.

After the Closed Session, the following report was given:

Conference with Labor Negotiators
SMPOA: Status report was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 8:09 p.m. in honor of Sue Riddering who recently passed away.

APPROVED

January 20, 2009
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria